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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,131	11/20/2000	James Thomas Edward McDonnell	1509-135	6368

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EXAMINER

IQBAL, KHAWAR

ART UNIT PAPER NUMBER

2686

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/715,131	Applicant(s) MCDONNELL ET AL.	
	Examiner Khawar Iqbal	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/2/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31 and 33-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 65-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations of claims 65-66 in page 9, line 19-page10 line 8, are not disclosed in the original specification.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31,33-39,43-44,47-51,53-58,62-68 are rejected under 35 U.S.C. 102(e) as being unpatentable by Boyle et al (6665711).
3. Regarding claim 31 Boyle et al teaches apparatus for transferring data from a network to a mobile device comprising (fig. 2):

a transmitter arrangement having differing narrow (204) and wide bandwidths (206) for transmitting data from the network (208) to the mobile device (106) (col.3, lines 31-45, col.7, lines 55-67);

the transmitter arrangement being arranged for notifying the mobile device (106) of data awaiting transfer thereto from the network (208) via the first, lower bandwidth (204) (col.2, lines 21-34, col. 7, lines 44-55); and

the transmitter arrangement being arranged for transferring the data to the mobile device (106) via the wide bandwidth (206) (col. 2, lines 50-62, col. 8, lines 11-16).

Regarding claim 33 Boyle et al teaches a method of data transfer by using first and second communication links of differing bandwidths between a network and a mobile device, the first link having a narrower bandwidth than the second link, the method comprising (fig. 2):

notifying the mobile device of data awaiting transfer thereto from the network by transmitting a first signal from the network to the device via the first link (col.2, lines 21-34, col. 7, lines 44-55); and

then transferring the data from the network to the mobile device by transmitting a second signal from the network to the device via the second link (col. 2, lines 50-62, col. 8, lines 11-16).

Regarding claim 48 Boyle et al teaches a method of data transfer to a mobile device from a first communications network via a first narrow bandwidth link and a

second communication network via a second wide bandwidth link, the method comprising (fig. 2):

transferring a message to the device from the first network via the first link, the message indicating that data are desired to be transferred to the device (col.2, lines 21-34, col. 7, lines 44-55); and

then transferring the data to the device from the second network via the second link (col. 2, lines 50-62, col. 8, lines 11-16).

Regarding claim 53 Boyle et al teaches a data transfer system comprising (fig. 1): a network, a mobile device, a first transmitter and a second transmitter, the network being adapted to contain data, the mobile device being adapted to receive signals from both the first and second transmitters (col.2, lines 21-34, col. 7, lines 44-55), the first transmitter being adapted to transmit a first narrow bandwidth signal to the mobile device via a first narrow bandwidth link, the first signal indicating data on tile network are available to be transferred to the mobile device(col.2, lines 21-34, col. 7, lines 44-55), the second transmitter being adapted to transmit to the mobile device via a second wide bandwidth link, a second wide bandwidth signal including the data (col. 2, lines 50-62, col. 8, lines 11-16).

Regarding claim 63 Boyle et al teaches a method of transferring data between a mobile device arrangement and a network arrangement via first and second communications links between the device arrangement and network arrangement, the first and second links respectively having narrow and wide bandwidths, the method comprising (fig. 2): sending a first narrow bandwidth signal from a first of the

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arrangements to the second of the arrangements via the first link (col.2, lines 21-34, col. 7, lines 44-55), the first signal indicating that the first arrangement is ready to transmit data to the second arrangement (col.2, lines 21-34, col. 7, lines 44-55), then sending a second wide bandwidth signal from the first arrangement to the second arrangement via the second link, the second signal including the data (col. 2, lines 50-62, col. 8, lines 11-16).

Regarding claims 65,66 Boyle et al teaches a mobile telecommunications device for use with a long range telecommunications link and a wide bandwidth telecommunications link, the device comprising (fig. 2): a control processor, and a program memory carrying a program accessible by the control processor (col.2, lines 21-34, col. 7, lines 44-55), the control processor, in use, being capable of operating the program so as to enable the device to receive an incoming Long range narrow bandwidth telecommunications signal indicative of the presence of data being available elsewhere at a wide bandwidth telecommunications signal station (col.2, lines 21-34, col. 7, lines 44-55) and to inform a user of the device that there are data to be collected from a remote wide bandwidth station and further being capable of scheduling the data to be transmitted (col. 2, lines 50-62, col. 8, lines 11-16).

Regarding claims 34,64 Boyle et al teaches further including scheduling the transfer of the data from the network to the mobile device, wherein the transfer of the data to the mobile device via the second link is based on the schedule (col. 2, lines 15-61, col. 7, lines 44-55, fig. 8).

Regarding claims 35,67 Boyle et al teaches wherein the scheduling is executed in response to a user input at the mobile device (col. 2, lines 15-61, col. 7, lines 44-55, fig. 8).

Regarding claim 36 Boyle et al teaches wherein the scheduling is executed by software on the mobile device (col. 2, lines 15-61, col. 7, lines 44-55, fig. 8).

Regarding claims 37,68 Boyle et al teaches wherein the scheduling is executed by software present on a base station of the network, and further including transmitting data corresponding to the scheduling to the mobile device via the first link (col. 2, lines 15-61, col. 7, lines 44-55, fig. 8).

Regarding claims 38,49,54,58 Boyle et al teaches wherein the first link included a public land mobile network (fig. 1, element 102).

Regarding claims 39,50,55-57 Boyle et al teaches wherein the second link includes a wide band short range wireless network (fig. 1, element 102).

Regarding claim 43 Boyle et al teaches further including only temporarily forming at least one of the first and second links (col.3, lines 31-45, col. 7, lines 55-67).

Regarding claims 44,51,62 Boyle et al teaches further including transferring data to the mobile device from a second network via another wide bandwidth link after the mobile device has been notified via a narrow bandwidth link that it is to receive data from the second network (col.2, lines 21-45, col. 7, lines 30-67).

Regarding claim 45 Boyle et al teaches further including the steps of transferring a decryption key from the network to the mobile device via the first link; and then

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transferring the data in encrypted form, based on the key, from the network to the mobile device via the second communication link (col. 8, line 36-col. 9, line 35).

Regarding claim 47 Boyle et al teaches wherein the scheduling is in accordance with scheduling criteria (col. 2, lines 21-63, col. 7, lines 21-64 fig. 8).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 52 is rejected under 35 U.S.C. 102(b) as being unpatentable by John (GB 2313981).

Regarding claim 52 John teaches a method of data transfer by using first and second communication links of differing bandwidths between a network and a mobile device, the first link having a narrower bandwidth than the second link, the method comprising (fig. 1): entering data into the mobile device (page 3, lines 12-20, page 15, lines 1-15); notifying the network of data awaiting transfer thereto from the mobile device by transmitting a first signal from the device to the network via the first link; and then transferring the data from the mobile device to the network by transmitting a second signal from the device to the network via the second link (page 3, lines 12-20, page 15, lines 1-15).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 40-42 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al (6665711) and further in view of Serizawa et al (5754961).

Regarding claim 40-42 and 59 Boyle et al teaches the method involves obtaining a client device (106) identifier with respect to a subscriber identifier in the notification. A corresponding message including the notification is sent from the link infrastructure (120) to the client device identified by the client device identifier via the narrowband channel. When the updated information is desired, the updated information can be accessed through a pull agent 210 via wideband channel 206 using the address embedded in the notification. Boyle et al does not specifically teach unlicensed portion of the electromagnetic spectrum.

In an analogous art, Serizawa et al teaches unlicensed portion of the electromagnetic spectrum (col. 21, line 51-col. 22, line 25). A link infrastructure (120) receives a notification via the Internet (104) from a web server device (112) when specific information is updated at the web server device. The specific information is subscribed by a client device (106) and identified by the notification, which comprises a subscriber identifier identifying a user account corresponding to the client device. A client device identifier with respect to the subscriber identifier in the notification is

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obtained and a corresponding message including the notification is sent from the link infrastructure to the client device identified by the client device identifier via a narrowband channel. Thus, when one or more pages of information are updated, rather than sending the entire updated information to users of the devices subscribing to the updated information through the network, the present invention sends a notification to a proxy server that forwards the notification to the users using a messaging system via a low cost narrowband channel. Upon receiving the notification, the users can fetch the updates, when needed, through a wideband channel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Boyle et al by specifically adding feature Improves data transfer in the communication device as taught by Serizawa et al.

8. Claims 46,60,61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al (6665711) and further in view of Aho et al (6198941).

Regarding claim 40,60,61 Boyle et al does not specifically teach GPS.

In an analogous art, Aho et al teaches determining the location of at least one of the mobile device and a base station of the second communication link by using GPS (col. 6, lines 12-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Boyle et al by specifically adding feature Improves data transfer in the communication device as taught by Aho et al.

Response to Arguments

1. Applicant's arguments with respect to claim 31,33-68 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


9/7/09
LESTER G. KINCAID
PRIMARY EXAMINER